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Street Reporter**



**Uyless Black**

# **The Second Impeachment**

## Articles on the 2020 Presidential Election and Subsequent Events

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## **The Second Impeachment**

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As readers of my blog articles may know, I am a fiscal and military conservative (a Red) and a social liberal (a Blue). I do not affiliate myself with a political party for a number of reasons, the main one is that I believe political parties are doing this country more harm than good...a subject for another time.

In regards to impeaching a president because of possible high crimes and misdemeanors, I am colorless...party neutral. Let the facts speak for themselves. Whether the person is Red or Blue should make no difference.

That is not the situation in Washington. As expected, the second impeachment of Donald Trump brought forth howls of protest and yells of support. Predictably, the noises aligned along political party lines. The Democrats were for impeachment. The Republicans were against it.

This article takes these positions on the subject: Donald Trump's speeches on January 6 did not warrant the impeachment that was initiated by the House of Representatives. His January 2 telephone conversation with government representatives from the state of Georgia did.

I do not address the contentious issue regarding his behavior during his tenure as President before the telephone conversation and the Capitol attack. As with all presidents, he has initiated some solid programs and some of dubious long-term value. So, the two issues cited above are enough for our plate for now.

### **Trump's Actions on January 6**

First, a short personal note: The Capitol was breached (and burned) in 1814 by the British in the War of 1812. But it has never been subject to a mass attack by Americans...*ever*...until Jan 6, 2021. The images of January 6 still turn my stomach. They reminded me of tin-horn third world mobocracy. We are better than that; we are greater than that. But we did that, and it will never go away from my mind.

I read the President's January 6 speech twice. Many of his statements are typical-Trump: exaggerations and self-congratulating comments. But that's Donald; take him or leave him.

One more personal aside: In modern times, our Presidents---with two exceptions---treated the Oval Office of the Presidency with respect and dignity. Those exceptions are Bill Clinton and Donald Trump, and especially Clinton. I became dismayed at Trump's denigrating just about everything but himself. This approach demeans our republic and the White House, yet so did the people who made history by being the first Americans to attack their own hall of democracy.

But impeachable? No, not for the January 6 speech. Here are the most inflammatory statements in Trump's speech, including his vow to "walk down" to the Capitol with the mob:

**Now, it is up to Congress to confront this egregious assault on our democracy. And after this, we're going to walk down, and I'll be there with you, we're going to walk down, we're going to walk down.**

**So, we're going to, we're going to walk down Pennsylvania Avenue. I love Pennsylvania Avenue. And we're going to the Capitol, and we're going to try and give.**

**So, let's walk down Pennsylvania Avenue.**

Perhaps his choosing not to walk-the-walk, just talk-the-talk, might have been a prudent move (non-move) on his part. Is breaking and entering an impeachable offense? I understand he did indeed intend to take the walk, but the Secret Service could not guarantee his safety and persuaded him otherwise.

I also examined his appeals to Vice President Pence:

**...and I hope Mike is going to do the right thing. I hope so. I hope so.**

**Because if Mike Pence does the right thing, we win the election. All he has to do, all this is, this is from the number one, or certainly one of the top Constitutional lawyers in our country. He has the absolute right to do it. We're supposed to protect our country, support our country, support our Constitution, and protect our Constitution.**

**States want to revote. The states got defrauded. They were given false information. They voted on it. Now they want to recertify. They want it back. All Vice President Pence has to do is send it back to the states to recertify and we [we?] become president and you are the happiest people.**

Trump's statements regarding Pence are suspect from a legal standpoint. But that aside, he also used the word "fight," which has been a political cliché since politics existed. The Democrats have hung on to that word as if it were absolute proof of his intent to overthrow the election results. Both parties have used "fight: (almost incessantly) to describe their supposed tenacity.

But the Pence statements and the use of the word *fight* do not constitute high crimes and misdemeanors. It is folly for the Democrats to use these events in their speeches to bring about impeachment proceedings.

January 6, 2021, has been in the works at least from the time Trump made his first tweet as President. It's been building since then. Nonetheless, as unsettling as his statements were on January 6, he did not *explicitly* incite violence against the national Capitol, certainly not to the extent of their being high crimes and misdemeanors.

**A Minority View?** Several of my friends and colleagues disagree with my opinion. They say that it has been a *four-year accumulation* of his tweets, speeches, *and* actions, not just January 6, that makes the case for impeachment. (At the beginning of this article, I stated I was not going to write about his four-year tenure, but a few comments are made here.)

That's a slippery slope to start sliding down. What could it portend for the future? I do not have a ready response to their assertions. But no one does. We are in uncharted territory. I do believe Trump incited the Mall mob (if not incited then certainly excited---that is part of politics). And here's the rub: It was a political speech; he did not use any word dealing with violence or attacking the Capitol.

My friends state: *Look at Clinton. He was impeached.* Yes, but Clinton was not impeached for his politics. He was impeached for perjury after he lied to a grand jury. Trump was not under oath.

**Extraordinary Protection of Political Speech.** My stand on the January 6 speech is based on the following practices in American law:

Political speech has so much protection under the First Amendment that the government can't even make laws to keep people from lying about political issues. For example, a candidate for public office has the right to fabricate or distort his past voting record.<sup>1</sup>

Nonetheless, they ask me to think again about Trump's four years in office; to reflect on his continuous disparagement of America's institutions; of his ceaseless baiting of citizens' emotions. They ask me to re-watch his January 6 speech and not just the words (which I have been using in this article), but his intonations. They state: He incited the Capitol attack.

One of my best friends posed to me, "Uyless, in forming your opinion about the speech, ask yourself, 'Without Trump's January 6 speech, would the attack have occurred?'"

My answer is I don't know, and I've read that the FBI is pursuing tips that the attack was planned well before January 6. I worry that impeachments regarding political speech might become a routine part of our lives. Political winds shift. A new set of Congresspeople come in. They might impeach as a routine part of the political landscape.

But of this I am sure: Regardless of Trump or no Trump, the birthing of January 6 did not spring spontaneously from nothing. I listened to the comments of the protesters in real-time. "We want to be heard!" "We're sick of the elites!" "We want to take back our country!" And protests against the establishment; in effect, the moneyed class.

A substantial number of Americans who broke into the Capitol believe they have been left behind. And they have. Something is amiss and if not fixed, we can expect more January 6ths.

Nonetheless, the impeachment should have taken place, as discussed next. Risking flippancy, proceed and let the political chips fall where they may.

### **Trump's January 2 Telephone Call to State of Georgia Officials**

Regarding the second issue: the telephone conversation. I believe Trump attempted to influence the outcome of the election. His conversation was *threatening* to the Georgia representatives. He *repeatedly warned* them they *were guilty of illegal acts* if they did not "*find*" the votes he needed.

I also read the telephone conversation Trump and his staff had with the Georgia Secretary of State and his staff on January 2. The text below is the voice of Trump.<sup>2</sup> Imagine you are at the other end of the phone call, listening to the most powerful man in the world directly threatening you [text in brackets are from this writer]:

**OK, whatever, it's a disaster. It's a disaster. Look. Here's the problem. We can go through signature verification and we'll find hundreds of thousands of signatures, if you let us do it. [Us? Let the executive branch count the votes? Obviously, a violation of the law.]**

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<sup>1</sup> <https://www.bing.com/search?PC=YF73&q=protection+of+political+speech&FORM=YF73DF>.

<sup>2</sup> Ibid.

**And you are going to find that they are — which is totally illegal, it is more illegal for you than it is for them because, you know what they did and you're not reporting it. That's a criminal, that's a criminal offense. [The President of the United States flat-out accuses the Georgia representatives of criminality.] And you can't let that happen. That's a big risk to you and to Ryan, your lawyer. And that's a big risk. But they are shredding ballots, in my opinion, based on what I've heard. And they are removing machinery and they're moving it as fast as they can, both of which are criminal finds. And you can't let it happen and you are letting it happen. You know, I mean, I'm notifying you that you're letting it happen. [More threats.] So look. All I want to do is this. I just want to find 11,780 votes, which is one more than we have because we won the state.**

**And flipping the state is a great testament to our country because, cause you know, this is — it's a testament that they can admit to a mistake or whatever you want to call it. If it was a mistake, I don't know. A lot of people think it wasn't a mistake. It was much more criminal than that. But it's a big problem in Georgia and it's not a problem that's going away. I mean, you know, it's not a problem that's going away. [More threats.]**

**They're shredding ballots. And you should look at that very carefully. Because that's so illegal. [an unfounded and erroneous accusation.]**

**But I mean, all of this stuff is very dangerous stuff. When you talk about no criminality, I think it's very dangerous for you to say that. [More threats.]**

**So, what are we going to do here folks? I only need 11,000 votes. Fellas, I need 11,000 votes. Give me a break.**

**Well, under the law you're not allowed to give faulty election results, OK? You're not allowed to do that. And that's what you [have] done. [More accusations.]**

If this conversation had not been recorded, it could have been made up by a social satirist. It's straight out of a 1940's grade B movie. I picture Edger G. Robinson as Trump, scaring the underlings. Yes, scaring, as those words came from a man who has the Republican Party shaking in its boots.

This writer's conclusion about the telephone conversation is that Trump committed a crime for trying to alter the outcome of a presidential election process. His statements are ones of threat and intimidation that constitute attempted fixing of vote counts. Unlike the January 6 speech, there is no slippery slope on this issue.

To conclude, the impeachment that took place was little more than a show trial. The outcome was well known before the first word was spoken by either party.